

# CONSTITUTION OF MICHIGAN

OF

1850

## **Preamble.**

The People of the State of Michigan do ordain this Constitution.

## ARTICLE I

### BOUNDARIES

#### **Territorial jurisdiction.**

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern extremity of Lake Michigan to the most northerly cape of the Maumee Bay shall intersect the same--said point being the north-west corner of the State of Ohio, as established by act of congress, entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal to the head waters thereof; thence in a direct line to the centre of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the river Brule to the main channel of the Menominee river; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the north-east corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

## ARTICLE 2

### SEAT OF GOVERNMENT

#### **Seat of government.**

The Seat of Government shall be at Lansing, where it is now established.

## ARTICLE 3

### DIVISION OF THE POWERS OF GOVERNMENT

#### **Departments of government.**

Sec. 1. The powers of government are divided into three departments: The Legislative, Executive and Judicial.

#### **Limitations of powers of officers.**

Sec. 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

## ARTICLE 4

### LEGISLATIVE DEPARTMENT

#### **Legislative power.**

Sec. 1. The Legislative power is vested in a Senate and House of Representatives.

#### **Senate; members; districts.**

Sec. 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts shall be numbered from one to thirty-two inclusive; each of which shall choose one senator. No county shall be divided in the formation of senate districts,

except such county shall be equitably entitled to two or more senators.

#### **House of representatives; members; districts.**

Sec. 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitle it to more than one representative, then such town ship or city shall elect by general ticket the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate representative, when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as the legislature shall prescribe, and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of State and clerk of such county, a description of such Representative districts, specifying the number of each district, and population thereof, according to the last preceding enumeration.

#### **Census, time of taking; reapportionment of senators and representatives.**

Sec. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall rearrange the Senate districts and apportion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent, who are not civilized or are members of any tribe. Each apportionment and the division into representative districts by any board of supervisors shall remain unaltered until the return of another enumeration.

#### **Members must be citizens; removal vacates office.**

Sec. 5. Senators and Representatives shall be citizens of the United States and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

#### **Certain officers ineligible.**

Sec. 6. No person holding any office under the United States [or this State] or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature, and all votes given for any such person shall be void.

#### **Privilege of members from arrest.**

Sec. 7. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

#### **Quorum.**

Sec. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

#### **Officers; rules; expulsion.**

Sec. 9. Each house shall choose its own officers, determine the rules of its proceedings and judge of the qualifications, elections and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election; the reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

#### **Journal; right of protest.**

Sec. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution, which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

#### **Votes.**

Sec. 11. In all elections by either house or in joint convention the votes shall be given viva voce. All votes on nominations to the Senate shall be taken by yeas and nays and published with the journal of its proceedings.

**Doors open to public; adjournments.**

Sec. 12. The doors of each house shall open, unless the public welfare requires secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

**Bills.**

Sec. 13. Bills may originate in either house of the legislature.

**Bills and resolutions; governor's approval or veto; reconsideration.**

Sec. 14. Every bill and concurrent resolution, except of adjournment, passed by the Legislature shall be presented to the Governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration if two-thirds of the members elected agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be reconsidered. If such case, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively, If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like return, in which case it shall not become a law. The Governor may approve, sign, and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session; and the same shall become a law.

**Compensation of members; mileage; copy of laws.**

Sec. 15. The compensation of the members of the Legislature shall be three dollars per day for actual attendance and when absent on account of sickness, but the legislature may allow extra compensation to the members from the territory of the Upper Peninsula, not exceeding two dollars per day during a session. When convened in extra session their compensation shall be three dollars a day for the first twenty days and nothing thereafter; and they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled, in going to and returning from the place of meeting, on the usually traveled route, and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he was a member, but shall not receive, at the expense of the state, books, newspapers or other perquisites of office not expressly authorized by this constitution.

**Postage.**

Sec. 16. The legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the legislature, but not on any sent or mailed by them.

**Compensation of president and speaker.**

Sec. 17. The president of the senate, and the speaker of the house of representatives shall be entitled to the same per diem compensation and mileage as members of the legislature, and no more.

**Appointment to other office; interest in state contracts.**

Sec. 18. No person elected a member of the legislature shall receive any civil appointment within this state, or to the senate of the United States, from the governor, the governor and senate, from the legislature, or any other State authority, during the term for which he is elected. All such appointments and all votes given for any person so elected from any such office or appointments shall be void. No member of the legislature shall be interested, directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed, during the time for which he is elected, nor for one year thereafter.

**Three readings; final vote.**

Sec. 19. Every bill and joint resolution shall be read three times in each house before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the votes shall be by yeas and nays, and entered on the journal.

**Subject of bills; title; effective date.**

Sec. 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the legislature shall otherwise direct, by a

two-thirds vote of the members elected to each house.

#### **Extra compensation forbidden.**

Sec. 21. The legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

#### **Fuel and printing contracts; interest of members.**

Sec. 22. The legislature shall provide by law that furnishing of fuel and stationery for the use of the state, the printing and binding the laws and journals, all blanks, paper and printing for the executive departments, and all other printing ordered by the legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the state printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the legislature nor officer of the state, shall be interested directly or indirectly in any such contract.

#### **Sale of real estate; vacating highways.**

Sec. 23. The legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of the highways, or any street in any city or village, or in any recorded town plat.

#### **Chaplain for state prison; religious services in legislature.**

Sec. 24. The Legislature may authorize the employment of a Chaplain for the State Prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

#### **Amendment or revision of laws.**

Sec. 25. No law shall be revised, altered or amended by reference to its title only; but the act revised, and the section or sections of the act altered or amended shall be reenacted and published at length.

#### **Divorce.**

Sec. 26. Divorces shall not be granted by the Legislature.

#### **Lotteries.**

Sec. 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

Sec. 28. Repealed.

#### **Contested election; compensation.**

Sec. 29. In case of a contested election, the person only shall receive from the state per diem compensation and mileage who is declared to be entitled to a seat by the house in which the contest takes place.

#### **Ineligibility of certain persons.**

Sec. 30. No collector, holder nor disbursing officer of public money shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

#### **Private claims.**

Sec. 31. The Legislature shall not audit nor allow any private claim or account.

#### **Final adjournment.**

Sec. 32. The Legislature, on the day of final adjournment, shall adjourn at twelve o'clock noon.

#### **Meeting of the legislature.**

Sec. 33. The Legislature shall meet at the seat of government on the first Wednesday in January, in the year one thousand eight hundred and sixty-one, and on the first Wednesday of January, in every second year thereafter, and at no other place or time, unless as provided in the constitution of the State, and shall adjourn without day at such time as the Legislature shall fix by concurrent resolution.

**Election of members.**

Sec. 34. The election of Senators and Representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

**State paper.**

Sec. 35. The legislature shall not establish a State paper.

**Publication of statutes and judicial decisions.**

Sec. 36. The legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person

**Vacancies.**

Sec. 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

**Delegation of legislative power.**

Sec. 38. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

**Religious liberty.**

Sec. 39. The Legislature shall pass no law to prevent any person from worshipping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect, or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion.

**Appropriations for religious purposes forbidden.**

Sec. 40. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the state be appropriated for any such purposes.

**Opinions concerning religion.**

Sec. 41. The Legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion.

**Liberty of speech and press.**

Sec. 42. No law shall every be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of such right.

**Attainder; ex post facto laws; impairment of contracts.**

Sec. 43. The Legislature shall pass no bill of attainder, ex post facto law, or law impairing the obligation of contracts.

**Habeas Corpus.**

Sec. 44. The privilege of the writ of habeas corpus remains and shall not be suspended by the Legislature, except in case of rebellion or invasion, the public safety require it.

**Appropriation for local or private purposes.**

Sec. 45. The assent of two-thirds of the members elected to each house of the Legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

**Trial by jury.**

Sec. 46. The Legislature may authorize a trial by jury of a less number than twelve men.

**Indeterminate sentences.**

Sec. 47. The legislature may, by law, provide for the indeterminate sentences, so called, as a punishment for crime, on conviction thereof, and for the detention and release of persons imprisoned or detained on said sentences.

**Style of laws.**

Sec. 48. The style of the laws shall be "The People of the State of Michigan enact."

**County and township roads, etc., taxation, indebtedness.**

Sec. 49. The Legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties and townships, and may authorize counties to take charge and control of any highways within their limits for such purposes; and may modify, change or abolish the powers and duties of township commissioners and overseers of highways. But the tax raised in any one year shall not exceed two dollars upon each one thousand dollars valuation, according to the assessment roll of the county for the preceding year. The Legislature may also prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts, and may provide for one or more county road commissioners, to be elected by the people, or appointed, with such powers and duties as may be prescribed by law.

No county shall incur any indebtedness for any purposes in excess of three per cent of the valuation, according to the last assessment roll, and no such indebtedness beyond one-half of one per cent of such valuation shall be incurred, unless authorized by a majority of the electors of said county voting thereon: Provided, That any county road system provided by law shall not go into operation in any county until the electors of said county, by a majority vote, have declared in favor of adopting the county road system.

ARTICLE 5

EXECUTIVE DEPARTMENT

**Governor; lieutenant governor.**

Sec. 1. The executive power is vested in a Governor, who shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term.

**Eligibility.**

Sec. 2. No person shall be eligible to the office of Governor, or Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

**Election.**

Sec. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint vote, choose one of such persons.

**Power of governor.**

Sec. 4. The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repel invasions.

**Executive business.**

Sec. 5. He shall transact all necessary business with officers of government, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

**Execution of laws.**

Sec. 6. He shall take care that the laws be faithfully executed.

**Extra sessions.**

Sec. 7. He may convene the Legislature on extraordinary occasions.

**Messages.**

Sec. 8. He shall give to the Legislature, and at the close of his official term, to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

**Convening legislature elsewhere than seat of government.**

Sec. 9. He may convene the Legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

**Writs of elections.**

Sec. 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

**Reprieves and pardons; suspension of sentence in case of treason.**

Sec. 11. He may grant reprieves, commutations and pardons after convictions, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

**Vacancy, absence, etc.; duty of lieutenant governor.**

Sec. 12. In case of the impeachment of the Governor, his removal from office, death, inability, resignation, or absence from the State the powers and duties of the office shall devolve upon the Lieutenant Governor, for the residue of the term, or until the disability ceases. When the Governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

**President pro tempore of senate.**

Sec. 13. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign, or be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled, or the disability cease.

**President of senate.**

Sec. 14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

**Ineligibility of certain persons.**

Sec. 15. No member of Congress, nor any person holding office under the United States, or this State, shall execute the office of Governor.

**Ineligible to other office.**

Sec. 16. No person elected Governor or Lieutenant Governor shall be eligible to any office or appointment from the Legislature, or either house thereof, during the time for which he was elected. All votes for either of them, for any such office, shall be void.

**Compensation.**

Sec. 17. The Lieutenant [governor] and President of the Senate pro tempore, when performing the duties of Governor, shall receive the same compensation as the governor.

**Great seal.**

Sec. 18. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the Great Seal of the State, which shall be kept by the Secretary of State.

**Commissions.**

Sec. 19. All commissions issued to persons holding office under the provisions of the constitution shall be in the name and by the authority of the people of the State of Michigan, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

## JUDICIAL DEPARTMENT

### **Judicial power.**

Sec. 1. The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the Legislature in cities.

### **Supreme court; term of justices.**

Sec. 2. For the term of six years, and thereafter, until the legislature otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a supreme court, with the jurisdiction and powers prescribed in this constitution, to consist of one chief justice and three associate justices, to be chosen by the electors of the State. Such supreme court, when so organized, shall not be changed or discontinued by the legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. The term of office shall be eight years.

### **Same; jurisdiction.**

Sec. 3. The supreme court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procendo, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

### **Terms of court.**

Sec. 4. Four terms of the supreme court shall be held annually at such times and places as may be designated by law.

### **Court rules; master in chancery prohibited.**

Sec. 5. The supreme court shall, by general rules, establish, modify, and amend the practice in such court and in the circuit courts, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between laws and equity proceedings. The office of master in chancery is prohibited.

### **Judicial circuits.**

Sec. 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge who shall hold his office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated, and in the judicial circuit in which the county of St. Clair is or may be situated. And the circuit judge or judges of such circuits, in addition to the salary provided by the constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the board of supervisors of said county. And the board of supervisors of each county in the Upper Peninsula, and in the counties of Bay, Washtenaw, Genesee, Ingham and Jackson and the counties in the judicial circuit in which the county of Isabella is or may be situated in the Lower Peninsula, is hereby authorized and empowered to give and to pay the circuit judge of the judicial circuit, to which said county is attached, such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors. This section as amended shall take effect from the time of its adoption.

### **Alteration of circuits.**

Sec. 7. The legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue, as provided in this constitution for judges of the circuit court.

### **Jurisdiction of circuit courts; writs.**

Sec. 8. The circuit court shall have original jurisdiction in all matters civil and criminal, not excepted in this constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.

### **Compensation; ineligible for other offices.**



Sec. 9. Each of the judges of the circuit courts shall receive a salary, payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the legislature or the people, shall be void.

**Reporter; decisions, circuit judges to fill vacancies.**

Sec. 10. The supreme court may appoint a reporter of its decisions. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The judges of the circuit court, within their respective jurisdictions, may fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the supreme court, or circuit court, shall exercise any other power or appointment to public office.

**Terms of court; holding court.**

Sec. 11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

**Clerks of supreme and circuit courts.**

Sec. 12. The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county. The supreme court shall have power to appoint a clerk for such supreme court.

**Courts of probate; jurisdiction.**

Sec. 13. In each of the counties organized for judicial purposes, there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers and duties of such courts shall be prescribed by law.

**Vacancies, appointment.**

Sec. 14. When a vacancy occurs in the office of judge of the supreme, circuit or probate court, it shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

**Courts of record.**

Sec. 15. The supreme court, the circuit and probate courts of each county, shall be courts of record, and shall each have a common seal.

**Circuit court commissioner.**

Sec. 16. The legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

**Justices of the peace; election; term of office.**

Sec. 17. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the township, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justices in cities.

**Same; jurisdiction.**

Sec. 18. In civil cases justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by the Legislature.

**Conservator of the peace.**

Sec. 19. Judges of the supreme court, circuit judges and justices of the peace shall be conservator of the peace within their respective jurisdiction.

**Election of circuit judges.**

Sec. 20. The first election of judges of the probate courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provisions shall be made to hold the subsequent election of such additional judge at the regular elections herein provided.

**Judges of probate; election.**

Sec. 21. The first election of judges of the probate courts shall be held of the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

**Judges; vacancy in office.**

Sec. 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices.

**Courts of conciliation.**

Sec. 23. The legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.

**Appearance; in person by attorney.**

Sec. 24. Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

**Libels; justification; right of jury.**

Sec. 25. In all prosecutions for libels, the truth may be given in evidence to the jury and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact.

**Searches and seizures.**

Sec. 26. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things, shall issue without describing them, or without probable cause, supported by oath or affirmation.

**Jury trial, waiver in civil cases.**

Sec. 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

**Rights of accused.**

Sec. 28. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

**Acquittal upon the merits; bail.**

Sec. 29. No person after acquittal upon the merits shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

**Treason.**

Sec. 30. Treason against the state shall consist only in levying war against [it], or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

**Bail; punishment; detention of witnesses.**

Sec. 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

**Self-incrimination; due process.**

Sec. 32. No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

**Imprisonment for debt; militia fines.**

Sec. 33. No person shall be imprisoned for debt arising out of, or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.

**Competency of witnesses.**

Sec. 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

**Style of process.**

Sec. 35. The style of all process shall be, "In the name of the people of the State of Michigan."

ARTICLE 7

ELECTIONS

**Qualification of electors.**

Sec. 1. In all elections, every male inhabitant of this State, being a citizen of the United States, every male inhabitant residing in this State on the twenty-fourth day of June, eighteen hundred and thirty-five, every male inhabitant residing in this State on the first day of January, eighteen hundred and fifty, every male inhabitant of foreign birth who, having resided in the State two years and six months prior to the eighth day of November, eighteen hundred and ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day, and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector or entitled to vote at any election unless he shall be above the age of twenty-one years, and has resided in this State six month, and in the township or ward in which he offers to vote, twenty days next preceding such election: Provided, That in time of war, insurrection or rebellion, no qualified elector in the actual military service of the United States, or of this State, or in the army or navy thereof shall be deprived of his vote by reason of his absence from the township, ward or State in which he resides, and the Legislature shall have the power, and shall provide the manner in which, and the time and place at which, such absent electors may vote, and for the canvass and return of their vote to the township or ward election district in which they respectively reside or otherwise.

**Votes by ballot.**

Sec. 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

**Elector privileged from arrest.**

Sec. 3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

**Military duty; attendance of court.**

Sec. 4. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or attend court as a suitor or witness.

**Residence of elector.**

Sec. 5. No elector shall be deemed to have gained or lost a residence, by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison, except the honorably discharged soldiers, sailors and marines who have served in the military or naval forces of the United States, or of this State, and who reside in soldiers' homes established by the state, may acquire a residence where such home is located.

**Purity of elections.**

Sec. 6. Laws may be passed to preserve the purity of elections and guard against abuses of the elective franchise.

**Soldiers, seaman, and marines.**

Sec. 7. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this state, in consequence of being stationed in any military or naval place within the same.

**Disqualification for dueling.**

Sec. 8. Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this state, and shall not be permitted to vote at any election.

ARTICLE 8

STATE OFFICERS

**Elective state officers; location of offices.**

Sec. 1. There shall be elected at each general biennial election a secretary of state, a superintendent of public instruction, a state treasurer, a commissioner of the land office, an auditor general, and attorney general for the term of two years. They shall keep their offices at the seat of government and shall perform such duties as may be prescribed by law.

**Term of office**

Sec. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

**Vacancy, how filled.**

Sec. 3. Whenever a vacancy shall occur in any of the state offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate if in session.

**Board of state auditors; state canvassers.**

Sec. 4. The secretary of state, state treasurer, and commissioner of the state land office shall constitute a board of state auditors to examine and adjust all claims against the state, not otherwise provided for by general law. They shall constitute a board of state canvassers, to determine the result of all elections for governor, lieutenant governor and state officers, and of such other officers as shall by law be referred to them.

**Legislature, tie vote of electorate, choice.**

Sec. 5. In case two or more persons have an equal and highest number of votes for any office, as canvassed by the board of state canvassers, the legislature in joint convention shall choose one of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature, in joint convention, shall decide which person is elected.

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ARTICLE 9

SALARIES

**Salaries of state officers.**

Sec. 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the state treasurer shall receive an annual salary of one thousand dollars; the superintendent of public instruction shall receive an annual salary of one thousand dollars; the secretary of state shall receive an annual salary of eight hundred dollars; the commissioner of the land office shall receive an annual salary of eight hundred dollars; the attorney general shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided.

ARTICLE 10

COUNTIES

**Counties; corporate character; suits by or against.**

Sec. 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

**Same; townships, cities.**

Sec. 2. No organized county shall ever be reduced by the organization of new counties to less than sixteen townships as surveyed by the United States, unless in pursuance of law, a majority of electors residing in each county to be affected thereby shall so decide. The legislature may organize any city into a separate county, when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon shall be in favor of a separate organization.

**County officers.**

Sec. 3. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

**Offices at county seat.**

Sec. 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

**Sheriff, other office; security; responsibility for acts.**

Sec. 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

**Board of supervisors.**

Sec. 6. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law.

**Same; representation of cities.**

Sec. 7. Cities shall have such representation in the board of supervisors of the counties in which they are situated, as the legislature may direct.

**Removal of county seat.**

Sec. 8. No county seat shall be removed until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

**Limitation on borrowing power; taxing power.**

Sec. 9. The board of supervisor of any county may borrow or raise by tax one thousand dollars, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon.

**Board of supervisors; powers; claims; appeals.**

Sec. 10. The board of supervisors, or in the counties of Saginaw, Jackson, Washtenaw, Kent, Wayne, Genesee, Bay, Cheboygan and St. Clair the board of county auditors, shall have the exclusive power to fix the compensation for all services rendered for and to adjust all claims against their respective counties, and the sums so fixed and defined shall be subject to no appeal.

**Highways; bridges.**

Sec. 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges, and organizing townships, under such restrictions and limitations as shall be prescribed by law.

**ARTICLE 11****TOWNSHIPS****Township officers.**

Sec. 1. There shall be elected annually, on the first Monday of April, in each organized township, one supervisor, one township clerk, who shall be ex officio school inspector, one commissioner of highways, one township treasurer, one school inspector, not exceeding four constables, and one overseer of highways for each highway district whose powers and duties shall be prescribed by law.

**Townships; corporate character; suits by or against.**

Sec. 2. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

ARTICLE 12

IMPEACHMENTS AND REMOVALS FROM OFFICE

**Impeachments.**

Sec. 1. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

**Trial of impeachment; conviction and judgment.**

Sec. 2. Every impeachment shall be tried by the senate.

When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside. When an impeachment is directed the senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office, but the party convicted shall be liable to punishment according to law.

**Prosecution of impeachment.**

Sec. 3. When an impeachment is directed, the house of representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the Legislature, when the Senate shall proceed to try the same.

**Impeachment of judicial officer.**

Sec. 4. No judicial officer shall exercise his office after an impeachment is directed until he is acquitted.

**Vacancy by suspension; provisional appointment.**

Sec. 5. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted or until after the election and qualification of a successor.

**Removal of judge.**

Sec. 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the legislature; but the cause for which such removal is required shall be stated at length in such resolution.

**Removal of county, township, and school district officers.**

Sec. 7. The legislature shall provide by law for the removal of any officer elected by a county, township or school district, in such manner and for such cause as to them shall seem just and proper.

**Removal of state officers.**

Sec. 8. The Governor shall have power and it shall be his duty, except at such time as the Legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointed, to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, either of the following state officers, to wit: The Attorney General, State Treasurer, Commissioner of the Land Office, Secretary of State, Auditor General, Superintendent of Public Instruction or members of the State Board of Education or any other officers of the State except Legislative and judicial, elective or appointed, and to appoint a successor for the remainder of their respective unexpired term of office, and report the causes of such removal to the Legislature at its next session.

ARTICLE 13

## EDUCATION

### **Supervision by the superintendent of public instruction.**

Sec. 1. The superintendent of public instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law.

### **School fund.**

Sec. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals or appropriated by the state for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

### **Escheats.**

Sec. 3. All lands the titles to which shall fail from a defect of heirs, shall escheat to the state, and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of primary schools.

### **Primary schools; instruction in English language.**

Sec. 4. The legislature shall, within five years from the adoption of this constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the state; and all instruction in said school shall be conducted in the English language.

### **School term.**

Sec. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived, for the ensuing year, of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

### **Regents of university; election.**

Sec. 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a justice of the supreme court, eight regents of the University, two of whom shall hold their office for two years, two for four years, two for six years, and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of a justice of the supreme court thereafter, there shall be elected two regents whose term of office shall be eight years. When a vacancy shall occur in the office of regent, it shall be filled by appointment of the Governor. The regents thus elected, shall constitute the boards of regents of the University of Michigan.

### **Same; body corporate.**

Sec. 7. The regents of the university and their successor in office shall continue to constitute the body corporate, known by the name and title of "The Regents of the University of Michigan."

### **President of university; supervision by regents.**

Sec. 8. The regents of the university shall, at their first annual meeting, or as soon thereafter as may be, elect a president of the university, who shall be ex officio a member of their board, with the privilege of speaking but not of voting. He shall preside at the meetings of the regents and be the principal executive officer of the university. The board of regents shall have the general supervision of the university, and the direction and control of all expenditures from the university interest fund.

### **State board of education.**

Sec. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a state board of education; one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such board, who shall hold his office for six years. The superintendent of public instruction shall be ex officio a member and secretary of such board. The board shall have the general supervision of the state normal school, and their duties shall be prescribed by law.

### **Institution for deaf, dumb, blind, or insane.**

Sec. 10. Institution for the benefit of those inhabitants who are deaf, dumb, blind, or insane shall always be fostered and supported.

### **Agricultural school; appropriation; transfer to university.**

Sec. 11. The legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the regents of the University.

**Township and city libraries; disposition of fines.**

Sec. 12. The legislature shall also provide for the establishment of at least one library in each township and city, and all fines assessed and collected in the several counties and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries, unless otherwise ordered by the township board of any township or the board of education of any city: Provided, that in no case such fines be used for other than library or school purposes.

ARTICLE 14

FINANCE AND TAXATION

**Specific taxes; disposition.**

Sec. 1. All specific state taxes, except those received from the mining companies of the upper peninsula, shall be applied in paying the interest upon the primary school, university and other educational funds, and the interest and principal of the state debt, in the order herein recited, until the extinguishment of the state debt, other than the amounts due to educational funds, when such specific taxes shall be added to, and constitute a part of the primary school interest fund. The legislature shall provide for an annual tax, sufficient with other recourses, to pay the estimated expenses of the state government, the interest of the state debt, and such deficiency as may occur in the resources.

**Sinking fund.**

Sec. 2. The legislature shall provide by law a sinking fund of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent. per annum, and an annual increase of at least five per cent., to be applied solely to the payment and extinguishment of the principal of the state debt, extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

**Debts to meet deficits.**

Sec. 3. The state may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained or to the payment of the debts so contracted.

**Debts to repel invasion.**

Sec. 4. The state may contract debts to repel invasion, suppress insurrection, or defend the state in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to repay such debts.

**Appropriations.**

Sec. 5. No money shall be paid out of the treasury except in pursuance of appropriations made by law.

**State credit.**

Sec. 6. The credit of the state shall not be granted to, or in aid of, any person, association or corporation.

**Issue of scrip, etc.**

Sec. 7. No scrip, certificate, or other evidence of state indebtedness shall be issued except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution.

**State not to own stock.**

Sec. 8. The state shall not subscribe to, or be interested in, the stock of any company, association, or corporation.

**Works of internal improvements.**

Sec. 9. The state shall not be a part to, nor interested in, any work or internal improvement, nor engaged in carrying on any such work, except in the improvement of or aiding in the improvement of the public wagon roads and in the expenditure of grants to the state of land



or other property: Provided, however, That the legislature of the state, by appropriate legislation, may authorize the city of Grand Rapids to issue its bonds for the improvement of Grand River.

**Taxation; collection; tax on corporations.**

Sec. 10. The state may continue to collect all specific taxes accruing to the treasury under existing laws. The legislature may provide for the collection of specific taxes from corporations. The Legislature may provide for the assessment of the property of corporations, at its true cash value by a State Board of Assessors and for levying and collection of taxes thereon. All taxes hereafter levied on the property of such classes of corporations as are paying specific taxes under laws in force on November sixth, A. D. nineteen hundred, shall be applied as provided for specific State taxes in section one of this article.

**Uniform rate of taxation.**

Sec. 11. The Legislature shall provide a uniform rule of taxation, except on the property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: Provided, That the Legislature shall provide an uniform rule of taxation for such property as shall be assessed by a State Board of Assessors, and the rate of taxation on such property shall be the rate which the State Board of Assessors shall ascertain and determine is the average rate levied upon other property upon which ad valorem taxes are assessed for State, County, Township, school and municipal purposes.

**Assessments.**

Sec. 12. All assessments hereafter authorized shall be on property at its cash value.

**Equalization.**

Sec. 13. In the year one thousand nine hundred and one, and every fifth year thereafter, and at such other times as the Legislature may direct, the Legislature shall provide for an equalization of assessments by a State Board, on all taxable property, except that taxed under laws passed pursuant to section ten of this article.

**Laws imposing taxes.**

Sec. 14. Every law which imposes, continues or revives a tax shall distinctly state the tax, and the objects to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE 15

CORPORATIONS

**Incorporation.**

Sec. 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be amended, altered or repealed. But the Legislature may, by a vote of two-thirds of the members elected to each house, create a single bank with branches.

**Banking law; vote of electors.**

Sec. 2. No general banking law shall have effect until the same shall, after its passage be submitted to a vote of the electors of the State, at a general election and be approved by a majority of the votes cast thereon at such election.

**Liability of bank stockholders.**

Sec. 3. The officers and stockholders of every occupation or association for banking purposes, issuing bank notes or paper credits to circulate as money, shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equally and ratably to the extent of their respective share of stock in any such corporation or association.

**Registry of bills or notes; security required.**

Sec. 4. For all banks organized under general laws, the Legislature shall provide for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks bearing interest, which shall be deposited with the State Treasurer or the redemption of such bills or notes in specie.

**Bill-holders entitled to preference.**

Sec. 5. In case of the insolvency of any bank or banking association, the bill-holding thereof shall be entitled to the preference in payment over all other creditors of such bank or association.

**Suspension of specie payments.**

Sec. 6. The legislature shall pass no law authorizing or sanctioning the suspension of specie payments by any person, association, or corporation.

**Liability of stockholders.**

Sec. 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association.

**Amending acts of incorporation.**

Sec. 8. The legislature shall pass no law altering or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each house; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

**Property taken for public use; compensation.**

Sec. 9. The property of no person shall be taken by any corporation for public use, without compensation being first made or secured, in such manner as may be prescribed by law.

**Corporation; term of; reorganization.**

Sec. 10. No corporation except for municipal purposes or for the construction of railroads, plank roads and canals, shall be created for a longer time than thirty years; but the Legislature may provide by general laws applicable to any corporations, for one or more extensions of the term of such corporation while such term is running, not exceeding thirty years for each extension, on the consent of not less than a two-thirds majority of the capital of the corporation; and by like general laws for the corporate reorganization for a further period, not exceeding thirty years, of such corporations whose terms have expired by limitation, on the consent of not less than four-fifths of the capital: *Provided*, That in cases of corporations where there is no capital stock, the legislature may provide the manner in which such corporations may be reorganized.

**Same; definition; suits by or against.**

Sec. 11. The term "corporations," as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to be sued, in all courts in like cases as natural persons.

**Same; holding real estate.**

Sec. 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

**Incorporation of cities and villages.**

Sec. 13. The legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

**City and village officers; election.**

Sec. 14. Judicial officers of cities and villages shall be elected and all other officers shall be elected or appointed at such time and in such manner as the legislature may direct.

**Eminent domain; compensation.**

Sec. 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of feeholders and actually paid or secured in the manner provided by the law.

**Notice for change in charter.**

Sec. 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

**Personal property.**

Sec. 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

**Homestead.**

Sec. 2. Every homestead of not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon, and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution, or any other final process from a court, for any debt contracted after the adoption of this Constitution. Such exemption shall not extend to any mortgage thereon, lawfully obtained; but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

**Same death of owner.**

Sec. 3. The homestead of a family after the death of the owner thereof, shall be exempt from the payment of his debts contracted after the adoption of this constitution, in all cases during the minority of his children.

**Same; rights of widow.**

Sec. 4. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead of her own right.

**Married women.**

Sec. 5. The real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become entitled, by gift, grant, inheritance or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

**ARTICLE 17****MILITIA****Militia; members; military duty; exemptions.**

Sec. 1. The militia shall be composed of all able bodied male citizens between the age of eighteen and forty-five years, except such as are exempted by the laws of the United States, or of this State; but all such citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

**Same; organization.**

Sec. 2. The legislature shall provide by law for organizing, equipping, and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

**Same; officers, election, appointment, commission.**

Sec. 3. Officers of the militia shall be elected or appointed and be commissioned in such manner as may be provided by law.

**ARTICLE 18****MISCELLANEOUS PROVISIONS****Oath of office.**

Sec. 1. Members of the legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective office, take and subscribe the following oath or affirmation: "I do solemnly swear (of affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability." And no other oath, declaration or test shall be required as a qualification for any office or public trust.

**Eminent domain; determination of necessity and compensation.**

Sec. 2. When private property is taken for the use or benefit of the public, the necessity for using such property , and the compensation to be made therefor, except when to be made by the state, shall be ascertained by a jury of twelve freeholders, appointed by the court of record, as shall be prescribed by law: *Provided*, The foregoing provision shall in no case be construed to apply to the action of commissioners of highways in the official discharge of their duty as highway commissioners.

Sec. 3. [stricken out by J. R. No.3, 1907.]

**Navigable streams; bridges; dams.**

Sec. 4. No navigable stream in this state shall be either bridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the state from the further improvement of the navigation of such streams.

**Statement of receipts and expenditures; publication.**

Sec. 5. An accurate statement of the receipts of the public moneys shall be attached to, and published with the laws, at every regular session of the legislature.

**Use of English language in laws, proceedings, etc.**

Sec. 6. The laws, public records, and the written judicial and legislative proceedings of the state, shall be conducted, promulgated and preserved in the English language.

**Right to bear arms.**

Sec. 7. Every person has a right to bear arms for the defense of himself and the state.

**Military subordinate to civil power.**

Sec. 8. The military shall in all cases, and at all times, be in strict subordination to the civil power.

**Quartering of troops.**

Sec. 9. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

**Right of petition and assembly.**

Sec. 10. The people have the right peaceably to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

**Slavery prohibited.**

Sec. 11. Neither slavery, nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

**Leases of agricultural lands.**

Sec. 12. No lease or grant hereafter of agricultural land for a longer period than twelve years, reserving any rent or service of any kind, shall be valid.

**Resident aliens may hold property.**

Sec. 13. Aliens who are, or who may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

**Private property; private roads.**

Sec. 14. The property of no person shall be taken for public use without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damages to be sustained by the opening thereof, shall be first determined by a jury of freeholders; and such amount, together with the expenses of proceedings, shall be paid by the person or persons to be benefited.

**Revision of laws; compilation.**

Sec. 15. No general revision of the laws shall hereafter be made. When a reprint thereof becomes necessary, the legislature in joint convention shall appoint a suitable person to collect together such acts and parts of acts as are in force, and, without alteration, arrange them under appropriate heads and titles. The laws so arranged shall be submitted to two commissioners appointed by the Governor for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

## ARTICLE 19

### UPPER PENINSULA

#### **Upper peninsula to constitute separate judicial district.**

Sec. 1. The Counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron, and Michigan, and in Green Bay, and the Straits of Mackinac and the River Ste. Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney.

#### **Same; district judge.**

Sec. 2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.

#### **District attorney.**

Sec. 3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.

#### **Senators and representatives.**

Sec. 4. Such judicial district shall be entitled at all times to at least one senator, and until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the legislature.

#### **Compensation of judicial officers; extra compensation for representatives.**

Sec. 5. The legislature may provide for the payment of the district judge a salary not exceeding one thousand dollars a year, and of the district attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the legislature from such territory, not exceeding two dollars a day during any session.

#### **Time of election.**

Sec. 6. That election for all district or county officers, State Senator or Representatives, within the boundaries defined in this article, shall take place on the Tuesday succeeding the first Monday of November in the respective years in which they may be required. The county canvass shall be held on the first Monday thereafter, and the district canvass on the third Monday of said November.

#### **Tax on mining corporations.**

Sec. 7. One-half of the taxes received into the treasury from mining corporations in the Upper Peninsula, paying an annual state tax of one per cent, shall be paid to the treasurers of the counties from which it is received; to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.

#### **State prison; location.**

Sec. 8. The legislature may change the location of the state prison from Jackson to the Upper Peninsula.

#### **Mining corporations; charter modified by legislature.**

Sec. 9. The charters of the several mining corporations may be modified by the legislature, in regard to the term limited for subscribing to stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor the time for the existence of charters extended. No such corporation shall be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

## ARTICLE 19a

### RAILROADS

#### **Rates; discrimination.**

Sec. 1. The Legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

#### **Consolidation.**

Sec. 2. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law.

## ARTICLE 20

### AMENDMENT AND REVISION OF THE CONSTITUTION

#### **Amendments to constitution; submission.**

Sec. 1. Any amendment or amendments to this constitution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the Legislature shall direct; and if a majority of electors qualified to vote for members of the Legislature voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

#### **Revision of constitution; submission.**

Sec. 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the Legislature may by law provide, the question of the general revision of the constitution shall be submitted to the electors qualified to vote for members of the Legislature, and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purposes, the Legislature, at the next session, shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption.

## SCHEDULE

That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that

#### **Laws to remain in force until altered or repealed.**

Sec. 1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations or are altered or repealed by the legislature.

#### **Continuance of proceedings pending; organization of judicial department.**

Sec. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found or which may hereafter be found, for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this constitution had not been adopted, and until the organization of the judicial department under this constitution.

#### **Fines, penalties, etc.**

Sec. 3. That all fines, penalties, forfeitures and escheats accruing to the State of Michigan under the present constitution and laws, shall accrue to the use of the state under this constitution.

#### **Recognizances, bonds and obligations.**

Sec. 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Michigan, to any State, county or township, or any public officer, or public body, or which may be entered into or executed, under existing laws, "to the people of the State of Michigan," to any such officer or public body, before the complete organization of the departments of government under this constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be tried, punished and prosecuted, as though no charge had taken place, until otherwise provided by law.

**Governor; lieutenant governor.**

Sec. 5. A Governor and Lieutenant Governor shall be chosen under the existing constitution and laws to serve after the expiration of the term of the present incumbent.

**Officers to hold over.**

Sec. 6. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this constitution.

**Same; senators and representatives.**

Sec. 7. The members of the Senate and House of Representatives of the Legislature of one thousand eight hundred and fifty-one shall continue in office under the provisions of law, until superseded by their successors elected, and qualified under this constitution.

**Same; county and township officers.**

Sec. 8. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and fifty-three. The laws now in force as to the election, qualification and duties of township officers, shall continue in force until the Legislature shall, in conformity to the provisions of this constitution, provide for the holding of elections to fill such offices, and prescribe the duties of such officers, respectively.

**Terms of judicial and court offices.**

Sec. 9. On the first day of January, in the year one thousand eight hundred and fifty-two, the terms of office of the judges of the supreme court, under existing laws, and of the judges of the county courts, and of the clerks of the supreme court, shall expire on the said day.

**Jurisdiction of pending suits.**

Sec. 10. On the first day of January, in the year one thousand eight hundred and fifty-two, the jurisdiction of all suits and proceedings then pending in the present supreme courts shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the circuit courts and county courts for the several counties, shall become vested in the circuit courts of the said counties and District Court for the Upper Peninsula.

**Jurisdiction of probate courts, justice of the peace and police court.**

Sec. 11. The probate courts, the courts of justices of the peace, and the police court authorized by an act entitled, "An act to establish a police court in the city of Detroit, approved April second, one thousand eight hundred and fifty," shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

**State printer; term.**

Sec. 12. The office of State Printer shall be vested in the present incumbent until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office.

**Legislature to adapt laws to this constitution.**

Sec. 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this constitution, as far as may be.

**Attorney general; report to legislature.**

Sec. 14. The Attorney General of the state is required to prepare and report to the Legislature at the commencement of the next session such changes and modifications in existing laws as may be deemed necessary to adopt the same to this constitution, and as may be best calculated to carry into effect its provisions, and he shall receive no additional compensation therefor.

#### **Representatives of certain territory.**

Sec. 15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections for the purpose of representation.

#### **Submission of constitution.**

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection at the same time the separate resolution in relation to the elective franchise; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to the said general election, to give notice, as provided by law in case of an election of Governor, that this constitution has been duly submitted to the electors at said election. Every newspaper within this state publishing in the month of September next, this constitution as submitted shall receive, as compensation therefor, the sum of twenty-five dollars to be paid as the Legislature shall direct.

#### **Qualification of electors.**

Sec. 17. Any person entitled to vote for members of the legislature, by the constitution and laws now in force, shall at the said election be entitled to vote for the adoption or rejection of this constitution, and for or against the resolution separately submitted, at the places and in the manner provided by law for the election of members of the legislature.

#### **Ballots.**

Sec. 18. At the said general election a ballot box shall be kept by the several board of inspectors thereof, for receiving the votes cast for or against the adoption of this constitution; and on the ballots, shall be written or printed, or partly written and partly printed, the words "Adoption of Constitution--Yes," or "Adoption of the Constitution--No."

#### **Canvass; proclamation by governor; election of officers.**

Sec. 19. The canvass of the votes cast for the adoption or rejection of this constitution, and the provision in relation to the elective franchise separately submitted, and the returns thereof shall be made by the proper canvassing officers, in the same manner as now provided by law for the canvass and return of the votes cast at an election for governor, as near as may be, and the return thereof shall be directed to the Secretary of State. On the sixteenth day of December next, or within five days thereafter, the Auditor General, State Treasurer, and Secretary of State, shall meet at the capitol, and proceed in presence of the Governor, to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the Governor of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon "Adoption of the Constitution--Yes," this constitution shall be the supreme law of the state from and after the first day of January, one thousand eight hundred and fifty-one, except as is herein otherwise provided; but if a majority of the votes cast upon the question have thereon "Adoption of the Constitution--No," The same shall be null and void. And in the case of the adoption of this constitution, said officers shall immediately, or as soon thereafter as practicable, proceed to open the statements of votes returned from the several counties for judges of the supreme court and state officers under the act entitled "An act to amend the revised statutes and to provide for the election of certain officers by the people in pursuance to an amendment of the constitution" approved February sixteenth, one thousand eight hundred and fifty, and shall ascertain, determine and certify the results of the election for said officers under said acts, in the same manner, as near as may be, as is now provided by law, until superseded by their successors elected or appointed under this constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed.

#### **Expenditures of convention; publication of constitution.**

Sec. 21. The legislature, at their first session, shall provide for the payment of all expenditures of the convention to revise the constitution and of the publication of the same as is provided in this article.

#### **Representative districts.**

Sec. 22. Every county except Mackinaw and Chippewa entitled to a representative in the legislature, at this time of the adoption of this constitution, shall continue to be so entitled under this constitution, and the county of Saginaw, with the territory that may be attached, shall be entitled to one representative; the county of Tuscola, and the territory that may be



attached, one representative; the county of Sanilac, and the territory that may be attached, one representative; the counties of Midland and Aronac, with the territory that may be attached, one representative; the county of Montcalm, with the territory that may be attached thereto, one representative; and the counties of Newaygo and Oceana, with the territory that may be attached thereto, one representative; each county having a ratio of representation, and a fraction over, equal to a moiety of said ratio, shall be entitled to two representatives; and so on above that number, giving one additional member for each additional ratio.

**Pending chancery cases; legislature to provide for transfer.**

Sec. 23. The cases pending and undisposed of in the late court of chancery, at the time of the adoption of this constitution, shall continue to be heard and determined by the judges of the supreme court. But the legislature shall at its session in one thousand eight hundred and fifty-one provide by law for the transfer of said causes that may remain undisposed of on the first day of January, one thousand eight hundred and fifty-two, to the supreme or circuit court established by this constitution, or require that the same may be heard and determined by the circuit judges.

**Term of governor and lieutenant governor.**

Sec. 24. The term of office of the Governor and Lieutenant Governor shall commence on the first day of January next after their election.

**Upper peninsula, election of regent.**

Sec. 25. The territory described in the article entitled "Upper Peninsula" shall be attached to and constitute part of the third circuit for the election of a Regent of the University.

**Office of district judge and attorney may be abolished.**

Sec. 26. The legislature shall have authority after the expiration of the term of office of the district judge first elected for the "Upper Peninsula" to abolish said office of district judge and district attorney or either of them.

**Apportionment of senators and representatives.**

Sec. 27. The legislature shall, at its session of one thousand eight hundred and fifty-one, apportion the representatives among the several counties and districts, and divide the state into senate districts pursuant to the provision of this constitution.

**Terms of state and county officers.**

Sec. 28. the terms of office of all State and county officers, of the circuit judges, members of the board of education, and members of the Legislature shall begin on the first day of January next succeeding their election.

**Judicial circuits.**

Sec. 29. The State, exclusive of the Upper Peninsula, shall be divided into eight judicial circuits, and the counties of Monroe, Lenawee and Hillsdale shall constitute the first circuit; the counties of Branch, St. Joseph, Cass and Berrien shall constitute the second circuit; the county of Wayne shall constitute the third circuit; the counties of Washtenaw, Jackson and Ingham shall constitute the fourth circuit; the counties of Calhoun, Kalamazoo, Allegan, Eaton and Van Buren shall constitute the fifth circuit; the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola, and Midland shall constitute the seventh circuit; and the counties of Barry, Kent, Ottawa, Ionia, Clinton and Montcalm shall constitute the eight circuit.

Done in convention, at the Capitol of the State this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty and of the Independence of the United States the seventy-fifth.

D. Goodwin,

President